

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN JUDAH MICHALEK,
Petition
v.
JEFFERSON COUNTY JAIL,
Respondent

CASE NO. 3:19-CV-06169-BHS
ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 19.

14 On August 13, 2020, Judge Creatura issued the R&R recommending dismissal of
15 the Petition filed by petitioner Brian Judah Michalek (“Michalek”). Dkt. 19. On August
16 31, 2020, Michalek filed a request for a 30-day extension, which the Court construed as a
17 motion to extend the deadline for filing objections to the R&R. Dkt. 20. On September 9,
18 2020, the Court granted Michalek’s request and extended the deadline for filing
19 objections, and the noting date of the R&R, to October 9, 2020. Michalek has not filed
20 any objections.

21 The Court having considered the R&R and the remaining record, and no
22 objections having been filed, does hereby find and order as follows:

1 (1) The R&R is **ADOPTED**;

2 (2) Petitioner's petition for habeas corpus (Dkt. 10) is **DISMISSED without**
3 **prejudice** as duplicative of the petition filed under cause number C19-6023
4 BHS-DWC;

5 (3) For purposes of any appeal, petitioner's *in forma pauperis* status is
6 revoked. A certificate of appealability is **DENIED**; and

7 (4) This case is closed.

8 Dated this 21st day of October, 2020.

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BENJAMIN H. SETTLE
11 United States District Judge